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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/041,538	03/11/1998	DENIS MENARD	1948-4293US1	3407

7590 11/05/2002
MORGAN & FINNEGAN
345 PARK AVENUE
NEW YORK, NY 10154

EXAMINER

SINGH, ARTI R

ART UNIT	PAPER NUMBER
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1771

33

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

(Resp. Due)

CASE 01948-4293US1 ATTY DLBDUE DATE February 5 2002STATUTORY DATE May 5 2003BY J.M.

MORGAN & FINNEGAN LLP

2002 NOV 11 A 9 06

RECEIVED
DOCKET DEPT.

Office Action Summary

Application No.

09/041,538

Examiner

Ms. Anu R. Singh

Applicant

MENARD ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply 3 MONTH(S) FROM

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE

- THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL.
- 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-7, 9-18, 20, 22-25, 27 and 28-39 is/are pending in the application.
- 4a) Of the above claim(s) 12-18, 20, 22-24, 27 and 29-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-7, 9-11, 25, 28 and 33-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Part of Paper 1

Office Action Summary

Application/Control Number: 09/041,538
Art Unit: 1771

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/01/2002 has been entered. The Examiner has carefully considered Applicant's amendments and accompanying remarks filed on 08/1/2002. Amendments to claims 1, 4, 5, 6, 7, 11, 25, 33 and 37 have all been entered. All previously made rejections are now withdrawn, and thus the arguments are also moot.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7, 9-11, 25, 28 and 33-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In independent claims 1 and 33 Applicant claims a third substance, that is a filler, wherein it is found to be "present" in approximately 0% to 40% by weight. This implies that there is some percentage of the filler present in the composite, however the limit of "zero" implies that nothing can be present. Please claim one or the other. All dependant claims are also rejected as they are dependant from rejected base claims.

Information Disclosure Statement

4. The information disclosure statement filed 03/11/98 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which


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caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. All of the US references were received and reviewed, however, the PTO received none of the foreign documents. Please remit and they will be reviewed with the next office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti R. Singh whose telephone number is 703-305-0291. The examiner can normally be reached on M-F 7:00am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-873-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Ms. Arti R. Singh
Patent Examiner
Art Unit 1771

Ars
November 4, 2002

Sheet 2 of

FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO 1948-4293 US1		SERIAL NO 09/041536	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT(S) <i>Menard et al.</i>		GROUP ART UNIT 1771	
				FILING DATE <i>3/11/98</i>			
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING IF APPRO
<i>ARS</i>		3,936,552	2/76	Krupp et al.	428	64	
<i>ARS</i>		4,895,882	1/90	Asano et al.	523	145	
<i>ARS</i>		4,785,029	11/88	Honma et al.	523	153	
<i>ARS</i>		3,971,669	7/76	Wrzesien et al.	156	148	
<i>ARS</i>		4,374,211	2/83	Gallagher et al.	523	156	
<i>ARS</i>		4,775,705	10/88	Parker et al.	523	153	
<i>ARS</i>		4,369,263	1/83	Matsushima et al.	523	152	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSL YES
OTHER DOCUMENTS (including Author, Title, Date, Pertinent Papers, Etc.)							
		JP010071291/92 410457 Derwent abstract, 29 October 1992					
EXAMINER <i>ARS</i>				DATE CONSIDERED <i>10/31/02</i>			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

APPENDIX 4.6

Sheet 1 of

FORM PTO-1449		U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO 1948-4293 US1		SERIAL NO TBA 09/041,535	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				APPLICANT(S) Menard et al.		GROUP ART UNIT 1771	
				FILING DATE 3/11/98			
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING IF APPRO
ARS		2,733,797	2/7/56	Almen et al.			
ARS		5,273,819	12/93	Jex	428	297	
ARS		4,836,507	6/89	Yang	264	143	
ARS		4,743,643	5/88	Royer	523	150	
ARS		4,130,537	12/78	Bohrer	260	38	
ARS		4,790,052	12/88	Oiry	28	110	
ARS		4,861,809	8/89	Ogawa et al.	523	149	
ARS		5,304,225	4/94	Gardziella et al.	51	298	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSL YES
		742,043	12/21/95	Great Britain			
		601,903	5/13/48	Great Britain			
		0 451 320 A2	10/16/91	European Patent Office (English)			
		3,231,310 A 1	2/23/94	Germany			
		2,935,205 A 1	4/9/81	Germany			
		0 233 642	10/2/85	European Patent Office (French)			
		0 530 741 A1	3/10/95	European Patent Office (French)			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)							
		JP910071291/92-410457- Derwent abstract, 29 October 1992					
EXAMINER				DATE CONSIDERED			
ARS				10/31/02			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

M&F REV.